

FIRST REGULAR SESSION

SENATE BILL NO. 614

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR STOFFER.

Read 1st time February 27, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

2280S.011

AN ACT

To repeal sections 304.281 and 307.100, RSMo, and to enact in lieu thereof two new sections relating to the operation of motorcycles, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 304.281 and 307.100, RSMo, are repealed and two new
2 sections enacted in lieu thereof, to be known as sections 304.281 and 307.100, to
3 read as follows:

304.281. 1. Whenever traffic is controlled by traffic control signals
2 exhibiting different colored lights, or colored lighted arrows, successively one at
3 a time or in combination, only the colors green, red and yellow shall be used,
4 except for special pedestrian signals carrying a word legend, and said lights shall
5 indicate and apply to drivers of vehicles and pedestrians as follows:

6 (1) Green indication

7 (a) Vehicular traffic facing a circular green signal may proceed straight
8 through or turn right or left unless a sign at such place prohibits either such
9 turn. But vehicular traffic, including vehicles turning right or left, shall yield the
10 right-of-way to other vehicles and to pedestrians lawfully within the intersection
11 or an adjacent crosswalk at the time such signal is exhibited;

12 (b) Vehicular traffic facing a green arrow signal, shown alone or in
13 combination with another indication, may cautiously enter the intersection only
14 to make the movement indicated by such arrow, or such other movement as is
15 permitted by other indications shown at the same time. Such vehicular traffic
16 shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk
17 and to other traffic lawfully using the intersection;

18 (c) Unless otherwise directed by a pedestrian control signal, as provided
19 in section 304.291, pedestrians facing any green signal, except when the sole

20 green signal is a turn arrow, may proceed across the roadway within any marked
21 or unmarked crosswalk.

22 (2) Steady yellow indication

23 (a) Vehicular traffic facing a steady yellow signal is thereby warned that
24 the related green movement is being terminated or that a red indication will be
25 exhibited immediately thereafter when vehicular traffic shall not enter the
26 intersection;

27 (b) Pedestrians facing a steady yellow signal, unless otherwise directed
28 by a pedestrian control signal as provided in section 304.291, are thereby advised
29 that there is insufficient time to cross the roadway before a red indication is
30 shown and no pedestrian shall then start to cross the roadway.

31 (3) Steady red indication

32 (a) Vehicular traffic facing a steady red signal alone shall stop before
33 entering the crosswalk on the near side of the intersection at a clearly marked
34 stop line but, if none, then before entering the intersection and shall remain
35 standing until an indication to proceed is shown except as provided in paragraph
36 (b);

37 (b) The driver of a vehicle which is stopped as close as practicable at the
38 entrance to the crosswalk on the near side of the intersection or, if none, then at
39 the entrance to the intersection in obedience to a red signal, may cautiously enter
40 the intersection to make a right turn but shall yield the right-of-way to
41 pedestrians and other traffic proceeding as directed by the signal at the
42 intersection, except that the state highways and transportation commission with
43 reference to an intersection involving a state highway, and local authorities with
44 reference to an intersection involving other highways under their jurisdiction,
45 may prohibit any such right turn against a red signal at any intersection where
46 safety conditions so require, said prohibition shall be effective when a sign is
47 erected at such intersection giving notice thereof;

48 (c) Unless otherwise directed by a pedestrian control signal as provided
49 in section 304.291, pedestrians facing a steady red signal alone shall not enter
50 the roadway.

51 (4) In the event an official traffic control signal is erected and maintained
52 at a place other than an intersection, the provision of this section shall be
53 applicable except as to those provisions which by their nature can have no
54 application. Any stop required shall be made at a sign or marking on the
55 pavement indicating where the stop shall be made, but in the absence of any such

56 sign or marking the stop shall be made at the signal.

57 2. Notwithstanding the provisions of section 304.361, violation of this
58 section is a class C misdemeanor.

59 **3. A person operating a motorcycle who violates this section or**
60 **section 304.301 by entering or crossing an intersection controlled by a**
61 **traffic control signal against a red light shall have an affirmative**
62 **defense to that charge if the person establishes all of the following**
63 **conditions:**

64 **(1) The motorcycle has been brought to a complete stop;**

65 **(2) The traffic control signal continues to show a red light for an**
66 **unreasonable time;**

67 **(3) The traffic control is apparently malfunctioning or, if**
68 **programmed or engineered to change to a green light only after**
69 **detecting the approach of a motor vehicle, the signal has apparently**
70 **failed to detect the arrival of the motorcycle; and**

71 **(4) No motor vehicle or person is approaching on the street or**
72 **highway to be crossed or entered or is so far away from the**
73 **intersection that it does not constitute an immediate hazard.**

74 **The affirmative defense of this section applies only to a violation for**
75 **entering or crossing an intersection controlled by a traffic control**
76 **signal against a red light and does not provide a defense to any other**
77 **civil or criminal action.**

307.100. 1. Any lighted lamp or illuminating device upon a motor vehicle
2 other than headlamps, spotlamps, front direction signals or auxiliary lamps which
3 projects a beam of light of an intensity greater than three hundred candlepower
4 shall be so directed that no part of the beam will strike the level of the roadway
5 on which the vehicle stands at a distance of more than seventy-five feet from the
6 vehicle. Alternately flashing warning signals may be used on school buses when
7 used for school purposes and on motor vehicles when used to transport United
8 States mail from post offices to boxes of addressees thereof and on emergency
9 vehicles as defined in section 304.022, RSMo, on buses owned or operated by
10 churches, mosques, synagogues, temples or other houses of worship, and on
11 commercial passenger transport vehicles or railroad passenger cars that are
12 stopped to load or unload passengers, but are prohibited on other motor vehicles,
13 motorcycles and motor-drawn vehicles except as a means for indicating a right or
14 left turn.

15 2. A motorcycle headlamp may be wired or equipped to allow
16 either its upper beam or its lower beam, but not both, to modulate from
17 a higher intensity to a lower intensity at a rate of modulation of two
18 hundred to two hundred and eighty cycles per minute. A headlamp
19 modulator installed on a motorcycle with two headlamps shall be wired
20 in a manner to prevent the headlamps from modulating at different
21 rates or not in synchronization with each other. A headlamp modulator
22 installed on a motorcycle shall meet the standards prescribed in 49 CFR
23 Part 571, Section 571.108 and Federal Motor Vehicle Standard 571.108,
24 as amended.

25 3. Notwithstanding the provisions of section 307.120, violation of this
26 section is an infraction.

✓

Bill

Copy